

REMARKS

In the Final Office Action mailed October 24, 2005, claims 1-12, 14-36 and 38-60 were rejected under 35 USC 103(a) as being unpatentable over Mages et al (5,892,825) or Mages (6,185,306) in view of any of Secord et al (6,373,831), Patel (6,373,455) or Foladare et al (5,819,160). Mages (306) was added as a new alternate basis of rejections.

In addition, the Examiner rejected claims 1-12, 14-36 and 38-60 under 35 USC 112, first paragraph, asserting that the amendment “without reference to a first file’ is new matter, unsupported by Applicant’s original disclosure.

In response to the 35 USC 112, first paragraph rejections, Applicant has amended claims 1, 9, 15, 26, 32, 39, 51 and 53 to recite in substance “without reference to the content of the first file portion” (underline added). Applicant respectfully submits the recitation is fully supported by the original disclosure. For example, in page 14 of Applicant’s specification, starting on line 16, it is stated that “When a user of the portable computing device 107 engages the media client’s functionality, the media client 117 ... determine the set of corresponding EM files 127 corresponding to the RM files 125. When the user initiates media services, the media client 117 on the portable computing device 107 initiates a wireless communication 115 ... with media server 103. The media client 117 may request all or some of the EM files 127 corresponding to the RM files 125 previously downloaded.” Thus, Applicant’s specification has clearly described retrieving the second file portion without reference to the content of the first file portion.

Turning now to the obviousness rejections, Applicant respectfully reminds the Examiner that section 103 requires obviousness analysis be performed with Applicant’s invention being viewed as a whole. As recited, e.g. in claim 1, Applicant’s invention is directed towards methods, apparatuses et al. associated with providing a media file to a portable computing device in a protected manner, with the media file being provided in at least two portions, where the

portable computing device retrieves the two file portions from first and second computing devices via first and second communication channels. Further, the portable computing device retrieves the second portion without reference to the content of the first portion.

As discussed in the last response, in contrast, Mages ('825) is directed towards a method of triggering video imaging and/or audio data on a "HyperCD". Under Mages, video and/or audio data are distributed via a CD in an encrypted form with critical information removed (first portion). The CD additionally contains programs (associated with the first portion) for directly and automatically connecting the end-user's computer to a targeted server (URL) to retrieve the removed critical information and the decryption key(s). (See Abstract).

As further explained in col. 6, lines 40-60, these additional programs (integrally provided with the first portion of the video/audio data) automatically call up and connect the end user's computer to the host computer, automatically find the end user's browser, call the user's ISP, and pass the necessary links from the CD-ROM to the user's browser in order to get the host's web page. The user eventually obtains the removed critical information and decryption information by interacting with the host's web page through the user's browser.

Thus, Mages (825) clearly teaches retrieval of the second portion of a file based on the content of the first portion of the file. Therefore, Mages (825) teaches away and does not suggest Applicant's invention. One of ordinary skill in the art is unable to appreciate Applicant's invention based on Mages (825).

In this new action, the Examiner additionally points to other portions of Mages (825), e.g. column 8, lines 20-45, in support of his rejections. However, these additional passages do not remedy the above discussed deficiencies of Mages (825). The additional discussion of the crippled portion of the content may be stored in disk or other medium (beside a CD-ROM), does not fundamentally alter Mages' teaching that the location of the uncrippling trigger/key is obtained from the crippled portion.

Similarly, the additional citation of Mages (306), being a continuation-in-part of Mages (825), does not contain anything new that may remedy the above discussed deficiencies of

Mages (306). The additional discussion of separately encrypting the video and/or graphic data and the video player, and separately decrypting both the video and/or graphics data and the video player on a client device does not teach or suggest the required independent retrieval of the two portions of a file recited in each of Applicant's independent claims.

None of Secord, Patel, and Foladare remedies the above discussed deficiency of Mages (825) or Mages (306).

Therefore, for at least the foregoing reasons, claim 1 remains patentable over either Mages (825) or Mages (306), even if combined with any of the Secord, Patel, and Foladare.

Independent claims 15, 26, 32, 39, 51 and 53 have been amended to contain in substance the same recitations discussed earlier with respect to claim 1. Accordingly, for at least the same reasons, claims 15, 26, 32, 39, 51 and 53 are patentable over either Mages (825) or (306), individually, or in combination with any of Secord, Patel, and Foladare.

Claims 2-12, 14, 16-25, 27-31, 33-36, 38, 40-50, 52, and 54-60 depend on either claim 1, 15, 26, 32, 39, 51 or 53, incorporating limitations respectively. Thus, for at least the same reasons, claims 2-12, 14, 16-25, 27-31, 33-36, 38, 40-50, 52, and 54-60 are patentable over either Mages (825) or (306), individually, or in combination with any of Secord, Patel, and Foladare.

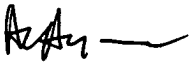
Conclusion

In view of the foregoing, claims 1-12, 14-36, and 38-60 are all in condition of allowance. Early issuance of Notice of Allowance is respectfully requested.

Please charge any fees required for this submission to deposit account 500393.

Respectfully submitted,
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